

**REMARKS**

Claims 1-44 are currently pending in the subject application and are presently under consideration. Claims 1, 12, 14, 31, and 34 have been amended as shown on pp. 2-7 of the Reply. Claims 2, 11, 15, 29, 30, 37, 40, and 41 have been cancelled.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-31, and 34-43 Under 35 U.S.C. §102(e)**

Claims 1-31, and 34-43 stand rejected under 35 U.S.C. §102(e) as being anticipated by Green (US 2004/0117802 A1). This rejection should be withdrawn for at least the following reasons. Green does not anticipate each and every element set forth in the subject claims.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The claimed subject matter relates to relates generally to industrial control systems, and more particularly to systems and methods that facilitate web-based implementation of HMIs in an industrial automation environment. To this end, independent claim 1, recites: *a system that facilitates rendering of data in an industrial automation environment, comprising: a component that receives a request to initiate a browser session; a web server; and a HMI rendering component that generates a browser-based HMI within the browser session, wherein the HMI rendering component continuously receives data associated with the automated industrial environment*. Green fails to disclose or anticipate such novel features.

Green teaches an event monitor that facilitates monitoring and reporting data events occurring through an enterprise. The event monitor receives data events information from one or more brokers, captures data event information, and outputs data event information to a user. In particular, Green facilitates communication and information flow between enterprise brokers

through inter-application messages. It is these messages that are referred to as events. To this end, the cited reference teaches a system that monitors such enterprise events.

Contrary to the Examiner's assertions Green fails to disclose or anticipate rendering data in an industrial automation environment. More specifically, Green is silent with continuously receiving industrial automation data and rendering a browser-based HMI. Green merely employs a user interface portion for generating interactive display screens, wherein a user can provide data to and receive information from a computer system or an event database. On the other hand, the claimed subject matter relates to receiving industrial automation data and rendering the received data in the form of a browser-based HMI. In other words, Green fails to disclose or anticipate a browser-based HMI rendering of an industrial automation environment.

Furthermore, independent claim 14 (and similarly independent claim 34), as amended, in part, recites *automatically updating a HMI rendered in browser format upon the occurrence of a change of a state in an automated industrial environment*. In the subject Office Action, the Examiner contends that Green discloses such novel features at paragraph 0076. Applicant's representative respectfully disagrees. At the indicated passages, the cited reference merely discloses *continuously updating events*. No where does it disclose or suggest that such continuous updates in the events correspond to the updating the browser-based HMI, as claimed.

In addition, independent claim 1, in part, recites *a customization component that permits customization of the browser-based HMI*. In the subject Office Action, the Examiner contends that Green teaches such novel features at paragraph 0039. Applicant's representative respectfully avers to the contrary. At the indicated passage, the cited reference merely discloses that the event monitor can be a standalone computer having its own associated output device such as a computer display. The cited reference fails to disclose or anticipate customization of a browser-based HMI or a graphical-user-interface.

Based on at least the foregoing, Green fails to anticipate each and every element of the claimed subject matter as recited in independent claims 1, 14, and 34 (and claims which depend there from). Therefore, this rejection should be withdrawn.

**II. Rejection of Claims 33 and 44 Under 35 U.S.C. §103(a)**

Claims 33 and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Green (US 2004/0117802 A1) in view of Kreidler *et al.* (US 6, 975, 913 B2). This rejection should be withdrawn for at least the following reasons. Green and Kreidler *et al.*, individually or in combination, fail to teach or suggest each and every element set forth in the subject claims.

The rationale to support a conclusion that the claim would have been obvious is that *all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions*, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1395; *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152, 87 USPQ 303, 306 (1950). *"[I]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does."* *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396. *If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.*

In particular, Kreidler *et al.* fails to make-up for the aforementioned deficiencies of Green with respect to independent claims 14 and 34. Claims 33 and 44 depend from independent claims 14 and 34, respectively. Therefore, the claimed invention as recited in claims 33 and 44 is not obvious over the combination of Green and Kreidler *et al.* Thus, it is respectfully submitted that this rejection be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP316US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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